

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMANUEL THOMAS,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

Case No. C11-2171-RSM-BAT

**REPORT AND
RECOMMENDATION**

Petitioner Amanuel Thomas, proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his continued immigration detention and seeking either supervised release or a bond hearing. Dkt. No. 7. On May 4, 2012, respondent submitted briefing along with documentation which indicated that on April 23, 2012, petitioner received a bond hearing before an immigration judge (“IJ”) who granted petitioner release under bond of \$15,000, and that petitioner waived any appeal of the IJ’s ruling. Dkt. Nos. 20 and 21.

Given this development, the Court issued an Order to Show Cause directing petitioner to either move for voluntary dismissal of this action or show cause why it should not be dismissed as moot. Dkt. No. 22. The Court warned petitioner that failure to comply with the Court’s order would result in the dismissal of his petition. *Id.* On May 15, 2012, the Court’s order was returned by the post office as undeliverable. Dkt. No. 23.

1 Local Rule CR 41(b)(2) provides,

2 A party proceeding pro se shall keep the court and opposing parties advised as to
3 his current address. If mail directed to a pro se plaintiff by the clerk is returned by
4 the Post Office, and if such plaintiff fails to notify the court and opposing parties
within 60 days thereafter of his current address, the court may dismiss the action
without prejudice for failure to prosecute.

5 *See* Local Rule CR 41(b)(2). Pursuant to Local Rule CR 41(b)(2), petitioner was required to
6 notify the Court of his current address no later than July 16, 2012. *See id.* To date, petitioner has
7 not notified the Court of his current address, nor has he responded to the Court's Order to Show
8 Cause.

9 Accordingly, the undersigned recommends that this action be **DISMISSED** without
10 prejudice pursuant to Local Rule CR 41(b)(2), for failure to prosecute. A proposed order
11 accompanies this Report and Recommendation.

12 Any objections to this Report and Recommendation must be filed and served upon all
13 parties no later than **August 3, 2012**. If no objections are filed, the matter will be ready for the
14 Court's consideration on **August 10, 2012**. If objections are filed, any response is due within 14
15 days after being served with the objections. A party filing an objection must note the matter for
16 the Court's consideration 14 days from the date the objection is filed and served. Objections and
17 responses shall not exceed 10 pages. The failure to timely object may affect the right to appeal.

18 DATED this 20th day of July, 2012.

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21 BRIAN A. TSUCHIDA
22 United States Magistrate Judge
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